IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.73525-M of 2006
Date of Decision:- 29.1.2007

Hanuman @ Ram Parkash ....Petitioner(s)

through
Mr.Vikas Chaudhary, Advocate

vs.

State of Haryana ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner, who is a life convict under Section 302 IPC is aggrieved at the order dated 16.3.2006 (Annexure P-1) whereby agricultural parole has been denied to him on the ground that there is no land in his name or in the name of his father.

Somewhat similar stand has been taken in the written statement also.

However, the petitioner has come up with a positive stand and which is admitted by the respondents in para 3 of the written statement also that the grand-father of the petitioner owns an agricultural land.

No doubt, under Section 3 (1) (c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, a prisoner can be released on parole for agricultural operations only the agricultural land is owned by him and/or is in possession of the undivided agricultural land owned by his father.

However, if the land owned by the grand-father of the petitioner is an ancestral land in which the petitioner's father has also got a

share and if it is still a joint holding, the petitioner's case may fall within Section 3 (1) (c) of the Act and may require reconsideration by the authorities. In addition, it also needs to be verified as to how much land would fall to the share of the father of the petitioner and whether he is genuinely required for carrying out agricultural operations on the said land or not and thereafter only, a final opinion can be formed by the Competent Authority as to whether the petitioner should be granted agricultural parole or not.

In the light of the above-made observations, this petition is allowed to the extent that the impugned order dated 16.3.2006 (Annexure P-1) is set aside and the Director General of Prisons, Haryana is directed to get the facts reverified and thereafter to pass an appropriate order within a period of two months from the date of receipt of certified copy of this order.

January 29, 2007 **(SURYA KANT)**
poonam **JUDGE**